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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,048	01/15/2002	Bertrand Marquet	12314-US	2891
23553	7590	01/09/2006	EXAMINER	
MARKS & CLERK P.O. BOX 957 STATION B OTTAWA, ON K1P 5S7 CANADA			SHIFERAW, ELENI A	
			ART UNIT	PAPER NUMBER
			2136	

DATE MAILED: 01/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/045,048

Applicant(s)

MARQUET ET AL.

Examiner

Eleni A. Shiferaw

Art Unit

2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1-8 filed on October 12, 2005 have been fully considered but they are not persuasive. The examiner would like to point out that this action is made final (MPEP 706.07a).
2. The examiner accepts the amended drawings.
3. Claims 1-8 are pending.

Response to Arguments

4. Applicant argues that:
 - a. Independent claims 1, and 8 are not taught by Adam Thornton and Sakakura to include *“a method of controlling access to a network element in a communication system, and also the references fail to teach wherein each operator accesses a network management system as recited in claim 1”*.
 - b. Dependent claims 3-7 are allowable based upon their dependency on allowable claim.

However, Examiner disagrees with applicant.

Regarding argument (a), Argument is not persuasive. On the first Office Action page 3 lines 6-13, the office states that Thornton fails to explicitly teach access control for the

compartmented operating systems. However the second reference Sakakura teaches supplying a data sharing mechanism to safely enforce the data sharing by the local network and the internet, supplying an application management apparatus and method for the applications that uses a shared data, and supplying an access control configuration where one can access the shared data from a local network side or from an internet side (claim 1). Shared data storage unit includes a plurality of data storage areas, which divides a shared data accessed by the first and second network system, and stores the divided shared data to the plurality of data storing area (claim 11, and fig. 5), and access control information storage unit stores an access control information which indicates whether each data storing area of the shared data storing unit is accessible or not accessible (claim 4). If a data access is requested from a user, access control to the shared/compartmented memory is performed (col. 8 lines 67-col. 9 lines 8, claim 15, and fig. 16 and 23 elements 1603, and 2303). Therefore the network management system of the storage server has a memory that stores shared/compartmented data and access control information, and when write or read access is requested from a user operating system, the network management system validates the access request (col. 2 lines 21-67).

Regarding argument (b), examiner disagrees with applicant. Based on the arguments set forth by the examiner for argument (a), the dependent claims stand rejected.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. Therefore, the examiner asserts

that the system of the prior art, Thornton and Sakakura teach or suggest the subject matter as recited in independent claims 1, 2, and 8. Dependent claims 3-7 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action dated December 29, 2005. Accordingly, rejections for claims 1-8 are respectfully maintained.

Rejections

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam Thornton, October 14, 2000 (Adam, "Linux on the System/390) in view of Sakakura (Patent No.: US 6,725,370 B1).

As per claims 1, 2, and 8, Adam teaches a network management/element system/method sharable by a plurality of operators, comprising:

a compartmented operating system having a number of compartments corresponding to the plurality of operators (Adam page 3 col. 1 lines 4-10);

means for assigning the operators to respective compartments (Adam page 3 col. 2 lines 24-38); and

common operations software (Adam page 3 col. 2 lines 24-38, and col. 1 lines 4-10);

the compartment executes in isolation the operations software for its operator (Adam page 1 col. 1 lines 3-12, and page 3 col. 1 lines 4-10).

Adam does not explicitly teach access control;

However Sakakura discloses access control for users access request of shared memory data over the network (Sakakura fig. 16 element \$1603, and col. 8 lines 9-24). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Sakakura within the system of Adam because it would allow to authenticate users (Sakakura fig. 16 element \$1603, and col. 8 lines 9-24). One would have been motivated to modify the teachings of Sakakura within the system of Adam because it would allow authenticating users of each compartment.

As per claim 3, Adam and Sakakura teach all the subject matter as described above. In addition, Adam teaches the network element, wherein administration of said compartmented operating system is separated into multiple roles (Adam page 3 col. 2 lines 24-38).

As per claim 4, Adam and Sakakura teach all the subject matter as described above. In addition, Adam teaches the network element, wherein one of said multiple roles is dedicated to creating compartments for respective operators (Adam page 1 col. 1 lines 3-12, page 3 col. 2 lines 24-38 and col. 1 lines 4-10)

As per claim 5, Adam and Sakakura teach all the subject matter as described above. In addition, Adam teaches the network element, wherein one of said multiple roles is dedicated to operator

administration in each compartment (Adam page 3 col. 2 lines 24-38).

As per claim 6, Adam and Sakakura teach all the subject matter as described above. In addition, Adam teaches the network element, wherein said operations software is application software (Adam page 3 col. 1 lines 4-10, and col. 2 lines 45-54).

As per claim 7, Adam and Sakakura teach all the subject matter as described above. In addition, Adam teaches the network element, wherein said operators are remote from said network element (Adam page 3 col. 2 lines 24-38).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

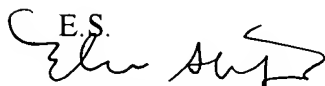
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A. Shiferaw whose telephone number is 571-272-3867.

The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

E.S.

December 29, 2005

CEL
Primary Examiner
AJ2131
1/5/06